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## **DEPARTMENT OF LABOR**

### **Wage and Hour Division**

#### **29 CFR Part 825**

**RIN 1215-AB76, RIN: 1235-AA03**

### **The Family and Medical Leave Act**

**AGENCY:** Wage and Hour Division, Department of Labor.

**ACTION:** Extension of comment period.

**SUMMARY:** This document extends the period for filing written comments until April 30, 2012 on the proposed revisions to certain regulations of the Family and Medical Leave Act of 1993 (FMLA). On February 15, 2012, the Department published a Notice of Proposed Rulemaking to revise certain regulations the FMLA, primarily to implement recent statutory amendments to the Act. The comment period is scheduled to close on April 16, 2012. The Department of Labor (Department) is taking this action in order to provide interested parties additional time to submit comments.

**DATES:** The agency must receive comments on or before April 30, 2012. The period for public comments, which was to close on April 16, 2012, will be extended to April 30, 2012.

**ADDRESSES:** You may submit comments, identified by Regulatory Information Number (RIN) 1235-AA03, by electronic submission through the Federal eRulemaking Portal <http://www.regulations.gov>. Follow instructions for submitting comments. You may also submit comments by mail. Address written submissions to Mary Ziegler, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3510, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Instructions:** Please submit only one copy of your comments by only one method. All submissions must include the agency name and RIN, identified above, for this rulemaking. Please be advised that comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided, and should not include any individual's personal medical information. Mailed written submissions commenting on these provisions must be received by the date indicated for consideration in this rulemaking. For questions concerning the application of the FMLA provisions, individuals may contact the Wage and Hour Division (WHD) local district offices. Locate the nearest office by calling the WHD's toll-free help line at (866) 4US-WAGE ((866) 487-9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto the WHD's Website for a nationwide listing of WHD district and area offices at <http://www.dol.gov/whd/america2.htm>. For additional information on submitting comments and the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mary Ziegler, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3510, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-0406 (this is not a toll free number). Copies of this notice of proposed rulemaking may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693-0675. TTY/TDD callers may dial toll-free (877) 889-5627 to obtain information or request materials in alternative formats.

Questions of interpretation and/or enforcement of regulations issued by this agency or referenced in this document may be directed to the nearest Wage and Hour Division District Office. Locate the nearest office by calling the Wage and Hour Division's toll-free help line at (866) 4US-WAGE ((866) 487-9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto the Wage and Hour Division's Website for a nationwide listing of Wage and Hour District and Area Offices at:  
<http://www.dol.gov/whd/america2.htm>.

## **SUPPLEMENTARY INFORMATION:**

### **I. Electronic Access and Filing Comments**

Public Participation: This notice of proposed rulemaking is available through the Federal Register and the <http://www.regulations.gov> Website. You may also access this document via the Department's Website at <http://www.dol.gov/whd/>. To comment electronically on federal rulemakings, go to the Federal eRulemaking Portal at

<http://www.regulations.gov>, which will allow you to find, review, and submit comments on federal documents that are open for comment and published in the Federal Register. Please identify all comments submitted in electronic form by the RIN docket number (1235-AA03). Because of delays in receiving mail in the Washington, DC area, commenters should transmit their comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov>, or submit them by mail early to ensure timely receipt prior to the close of the comment period. Submit one copy of your comments by only one method.

## **II. Request for Comment**

The Notice of Proposed Rulemaking (NPRM) proposes revisions to the Family and Medical Act (FMLA) regulations to implement amendments to the military leave provisions of the FMLA made by the National Defense Authorization Act for Fiscal Year 2010, which extends the availability of FMLA leave to family members of members of the Regular Armed Forces for qualifying exigencies arising out of the servicemember's deployment; defines those deployments covered under these provisions; and extends FMLA military caregiver leave to family members of certain veterans with serious injuries or illnesses. The NPRM also proposes to amend the regulations to implement the Airline Flight Crew Technical Corrections Act, which established new FMLA leave eligibility requirements for airline flight crewmembers and flight attendants. In addition, the proposal includes changes concerning the calculation of leave; reorganization of certain sections to enhance clarity; the removal of the forms from the regulations; and technical corrections of inadvertent drafting errors in the current regulations. The NPRM, complete with background information, economic impact analyses and proposed

regulatory text, was published in the Federal Register on February 15, 2012 (77 FR 8960) requesting public comments on the proposed revisions to the regulations. Interested parties were requested to submit comments on or before April 16, 2012.

The Department has received requests to extend the period for filing public comments from various organizations. Because of the interest that has been expressed in this matter, the Department has decided to provide an additional extension of the period for submitting public comment until April 30, 2012.

Dated: April 11, 2012

Nancy J. Leppink

Deputy Administrator, Wage and Hour Division

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